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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,019	08/27/2003	Toshimasa Shibagaki	1018.1181101	5912
28075	7590	01/25/2006	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			RUTLAND WALLIS, MICHAEL	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/649,019	Applicant(s) SHIBAGAKI ET AL.	
	Examiner Michael Rutland-Wallis	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8, 9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) 3, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5-6 and 13-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5-6 and 13-14 appear to reference a ratio. It cannot be determined by the examiner what this ratio consists of. A ratio is a relationship in quantity and while claims 5 and 13 do recite "a ratio of total time of the request signals in a predetermined time" it is not stated or implied what other quantity other than the total output time defines the ratio.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. (EP 0 965 710 A2).

With respect to claims 1 and 8 Okada teaches a vehicle lock controller (item 30 or item 68) installed in a vehicle having a plurality of doors (see Fig. 1) to control locking of the doors through communication with a portable device (item 12), the vehicle lock controller comprising: a plurality of transmitting circuits (items 20 and 22), each provided in association with a corresponding one of the doors to output a request signal (see column 2 line 16) and request the portable device to transmit a response signal (see column 2 line 16) also see column 9 lines 5-30 where Okada gives a teaching of transmitting circuits and receiving circuits for the request and response signal correspond to each door. Okada further teaches a control unit (item 26) connected to the transmitting circuits. Okada teaches the signals are intermittently cycled see column 9 lines 19-56 or column lines 14-23 Okada teaches detecting a request signal for a predetermined time before unlocking the associated door. Okada teaches the controller item 68 can be programmed with priority codes see column 19 lines 42-55 and order of the circuits may be predetermined or the transceiver with the highest priority.

With respect to claims 2 and 9 Okada teaches arranging the predetermined cycle of the request signal in transmitting circuits in different orders see column 18 line 46 where the order is stated D, P, P, D, D, P. Okada also teach the arrangement of this order may be arranged to transceiver with the highest priority to reduce battery consumption.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (EP 0 965 710 A2) in view of Asakura et al. (U.S. Pat. No. 6,778,065).

With respect to claims 4 and 12 Okada does not teach the control unit decreases an output intensity of the request signal in transmitting circuits having a lower priority when a voltage value of a battery installed in the vehicle becomes lower than a predetermined threshold value. Asakura teaches the generation of a longer-range signal followed by a shorter less intense signal for actuating the lock/unlock mechanism column 25 lines 30-57. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Okada to use a less intense request signal in order to save battery power.

### ***Allowable Subject Matter***

Claim 7 is allowed. Claims 3, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Okada teaches the vehicle locking system and method of claims 1 and 8 but does not teach the further limitation to claims 1 and 8 of determining the priority order of the transmitting circuit based how often each door is used.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al. (U.S. Pat. No.6,552,649) teaches the device of claims 1 and 8 but was published later than the EP document cited above, Masudaya (U.S. Pat. No.6,707,375) teaches a device with a plurality of transmitters and a method of prioritization of the transmission of data signals, Morikawa (U.S. Pat. No.6,630,889) teaches a prioritization method similar to that of claims 1 and 8.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

  
LYNN FEILD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800